

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

SEP 30 2010

BY: JULIA C. DUDLEY, CLERK  
DEPUTY CLERK

ALBERT G. BARON,

*Plaintiff,*

v.

MICHAEL J. ASTRUE,  
*Commissioner of Social Security,*

*Defendant.*

CIVIL ACTION No. 6:09-cv-00035

ORDER

JUDGE NORMAN K. MOON

This matter is before the court on consideration of the parties' cross-motions for summary judgment, the Report and Recommendation ("Report") of United States Magistrate Judge Michael F. Urbanski, Plaintiff's objections, the response to the objections filed by the Commissioner of Social Security ("Commissioner"), and Plaintiff's reply to the response. As explained in the accompanying memorandum opinion, I have undertaken a *de novo* review of those portions of the Report to which specific objections were made, and I find that Plaintiff's objections are without merit; that the magistrate judge was correct in finding that the Commissioner's final decision is supported by substantial evidence; and that Plaintiff did not meet his burden of establishing that he was totally disabled from all forms of substantial gainful employment.

Accordingly, it is hereby ORDERED as follows: Plaintiff's objections (docket no. 19) are OVERRULED; the magistrate judge's Report (docket no. 18) is ADOPTED *in toto*; the Commissioner's motion for summary judgment (docket no. 13) is GRANTED; Plaintiff's motion for summary judgment (docket no. 11) is DENIED; and this action is DISMISSED and STRICKEN from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this order and the accompanying memorandum opinion to all counsel of record and to United States Magistrate Judge Michael F. Urbanski.

It is so ORDERED.

Entered this 30<sup>th</sup> day of September, 2010.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE